

ORDINANCE NO. 11
SERIES 2000

AN ORDINANCE VACATING A PORTION OF 3rd STREET LYING EASTERLY OF LOTS 13 THROUGH 19, BLOCK 4, ISLAND ADDITION, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO AND MORE SPECIFICALLY DESCRIBED IN APPENDIX A.

WHEREAS, the applicant, the City of Gunnison, Colorado, submitted an application for vacating public property dated August 2, 2000, requesting the City of Gunnison to vacate a portion of 3RD Street as described in the attached Appendix A and as recorded in the office of the Gunnison County Clerk and Recorder in the City of Gunnison; and

WHEREAS, the subject portion of the street has never been developed, never been used as a public thoroughfare, and never been open for public use; and

WHEREAS, vacation of the subject portion of the street will not leave any adjacent land without a means of access to another public road; and

WHEREAS, the eastern side of the Third Street right-of-way contains adequate space for the installation and maintenance of public utilities; and

WHEREAS, the vacation is consistent with and implements the applicable intent statements, specific directions and recommended actions of the 1994 City of Gunnison Master Plan by retaining adequate space for public utilities and facilities and does not decrease the intended width of Third Street which is classified as a local street in the 2000 Update to the City of Gunnison Master Plan Transportation Chapter; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison held a public hearing upon the proposed vacation on September 20, 2000, after publication of notice thereon.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. Findings of Fact. Based upon the application for a street vacation, the supporting materials submitted therewith, and the evidence adduced at the Public Hearing conducted by the Planning Commission of the City of Gunnison, the City Council hereby finds as follows:

- a. The applicant, the City of Gunnison, Colorado, Robert and Terry Oberosler, and Joel Fennern are the owners of the properties adjacent to the street requested to be vacated.
- b. No properties other than those of the applicant, the Oberosler's, and Mr. Fennern would be affected by the proposed street vacation.
- c. The City's Public Works, Building Official, Police Department, and Fire Marshal have commented on the proposed vacation. Although wider right-of-way is preferred on the west side of the street, the 7' snow storage is acceptable.
- d. Public comment in support of the requested street vacation has been received.

Section 2. Vacation. The street which is vacated by this ordinance is described in Appendix A, and lies within the City of Gunnison, County of Gunnison, State of Colorado.

Section 3. Title. Title to such vacated street shall vest in accordance with the provisions of C.R.S. 43-2-302.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 12th day of September, 2000 on first reading, and introduced, read, and adopted on second and final reading this _____ day of _____, 2000.

Mayor

ATTEST:

City Clerk

APPENDIX A

**LEGAL DESCRIPTION
WESTERLY PORTION OF 3RD STREET
TO BE VACATED**

A portion of 3rd Street lying easterly of Lots 13 through 19, Block 4, Island Addition to Gunnison, more particularly described as follows:

Beginning at the southeast corner of Lot 13, Block 4, Island Addition; thence

1. East 24.70 feet to a point 7.00 feet westerly of the back of curb, marked by a 5/8" rebar with aluminum cap stamped "LS 25644"; thence
2. North 0 degree 30'35" West parallel to and 7.00 feet westerly of the back of curb 62.36 feet to a point of curvature; thence
3. parallel to and 7.00 feet westerly of the back of curb, along the arc of a curve to the right, said curve having a radius of 190.00 feet and a chord bearing North 12 degree 05'54" East 82.95 feet to a point of reverse curvature; thence
4. parallel to and 7.00 feet westerly of the back of curb, along the arc of a curve to the left, said curve having a radius of 116.00 feet and a chord bearing North 17 degree 52'26" East 27.60 feet to a point on the centerline of 3rd Street as originally platted; thence
5. North along the centerline of 3rd Street as originally platted a distance of 5.27 feet; thence
6. West 50.00 feet to the northeast corner of Lot 19, Block 4, Island Addition; thence
7. South along the easterly line of Block 4, Island Addition, 175.00 feet to the Point of Beginning; containing 0.12 acres more or less.